

HOUSE BILL No. 1093

DIGEST OF INTRODUCED BILL

Citations Affected: IC 22-2-18.1.

Synopsis: Employment of minors. Provides certain exemptions from the employment of minors law. Repeals a provision concerning conditions for the employment of a minor as a performer. Provides exemptions from certain hour and time restrictions for the employment of a minor who is at least 14 years of age and less than 16 years of age. Removes language providing that a minor who is at least 14 years of age and less than 16 years of age may only work until 7 p.m. on a day that precedes a school day from June 1 through Labor Day. Repeals provisions concerning hour and time restrictions for the employment of a minor who is at least 16 years of age and less than 18 years of age. Specifies that the prohibition on a minor from working in a hazardous occupation does not apply to a minor who is at least 16 years of age and less than 18 years of age who performs farm labor. Repeals a provision concerning restrictions on an employer who employs a minor to work after 10 p.m. and before 6 a.m. Makes corresponding changes.

Effective: July 1, 2024.

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January 8, 2024, read first time and referred to Committee on Employment, Labor and Pensions.



Second Regular Session of the 123rd General Assembly (2024)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2023 Regular Session of the General Assembly.

HOUSE BILL No. 1093

A BILL FOR AN ACT to amend the Indiana Code concerning labor and safety.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 22-2-18.1-2, AS ADDED BY P.L.147-2020,
2 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2024]: Sec. 2. ~~(a)~~ This chapter does not apply to **the**
4 **following:**

5 (1) A:

6 **(A)** parent who employs the parent's own child;

7 ~~(2) a~~ **(B)** person standing in place of a parent who employs a
8 child in the person's custody; or

9 ~~(3) a~~ **(C)** legal entity whose ownership is limited to the parents
10 of the employed child or persons standing in place of the
11 parent of the employed child;

12 except in the instances of ~~underage employment (as set forth in~~
13 ~~section 12(a) of this chapter)~~; ~~employment during school hours~~
14 ~~(as set forth in section 12(b) of this chapter)~~; and employment in
15 hazardous occupations designated by federal law (as set forth in
16 section 23 of this chapter).

17 ~~(b) This chapter does not apply to~~ **(2)** A minor enrolled in a work



based learning course (as defined in IC 20-43-8-0.7).

(3) A minor employed as an actor or performer in:

(A) motion pictures; or

(B) theatrical, radio, or television productions.

(4) A minor employed as a newspaper carrier.

(5) A minor employed as a homemaker engaged in the making of evergreen wreaths, including the harvesting of the evergreens or other forest products used in making the wreaths.

SECTION 2. IC 22-2-18.1-12, AS ADDED BY P.L.147-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 12. (a) This subsection does not apply to a minor who is employed or works as a youth athletic program referee, umpire, or official under section 13 of this chapter. A minor less than:

(1) fourteen (14) years of age may not be employed or allowed to work in any gainful occupation except as a farm laborer, domestic service worker, ~~or~~ caddie for persons playing the game of golf; ~~or newspaper carrier; and~~

(2) twelve (12) years of age may not be permitted to work at farm labor except on a farm operated by the minor's parent.

(b) Except as provided in section ~~14~~ **16(c)** of this chapter, an employer may not employ or permit any minor less than sixteen (16) years of age to work in any occupation during school hours on a school day.

SECTION 3. IC 22-2-18.1-14 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. ~~14~~: This chapter may not prevent a minor of any age from singing, playing, or performing in a studio, circus, theatrical, or musical exhibition, concert, or festival; in radio and television broadcasts; or as a live or photographic model. A minor less than eighteen (18) years of age may not be employed except under the following conditions:

(1) The activities described in this section must not:

(A) be detrimental to the life, health, safety, or welfare of the minor; or

(B) interfere with the schooling of the minor.

Provision shall be made for education equivalent to full-time school attendance in the public schools for minors less than sixteen (16) years of age.

(2) A parent shall accompany a minor less than sixteen (16) years of age at all rehearsals, appearances, and performances.

(3) The employment or appearance may not be in a cabaret, dance hall, night club, tavern, or other similar place.



SECTION 4. IC 22-2-18.1-16, AS ADDED BY P.L.147-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 16. (a) Except as provided in ~~subsection~~ **subsections (b) and (c)**, sections 17 ~~through and~~ 22 of this chapter apply only to the employment of a minor who is less than ~~eighteen (18)~~ **sixteen (16)** years of age.

(b) Sections 17 ~~through and~~ 22 of this chapter do not apply to the following:

(1) A minor who is at least fourteen (14) years of age but less than ~~eighteen (18)~~ **sixteen (16)** years of age who:

(A) performs:

(i) farm labor; or

(ii) domestic service; ~~or~~

(B) acts as a

~~(i) caddie for a person playing the game of golf; or~~

~~(ii) newspaper carrier.~~

(C) is employed to perform sports-attending services at professional sporting events as set forth in 29 CFR 570.35(c)(2).

(2) A minor who is:

(A) at least twelve (12) years of age but less than ~~eighteen (18)~~ **sixteen (16)** years of age; and

(B) employed or works as a youth athletic program referee, umpire, or official under section 13 of this chapter.

~~(3) A minor less than eighteen (18) years of age who:~~

~~(A) works as an actor or performer if the provisions of section 14 of this chapter are met; or~~

~~(B) has graduated from high school.~~

(c) Sections 12(b), 17(2)(A), 17(2)(B), and 22 of this chapter do not apply to a minor less than sixteen (16) years of age who:

(1) has graduated from high school;

(2) has completed grade 8 and is excused from the compulsory school attendance requirements under IC 20-33-2;

(3) has a child to support and is excused from the compulsory school attendance requirements under IC 20-33-2;

(4) is subject to an order issued by a court that has jurisdiction over the minor that prohibits the minor from attending school; or

(5) has been expelled from school and is not required to attend an alternative school or an alternative educational program.

SECTION 5. IC 22-2-18.1-17, AS ADDED BY P.L.147-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2024]; Sec. 17. The following apply only to a minor who is at least fourteen (14) years of age and less than sixteen (16) years of age:

(1) The minor may not work before 7 a.m. or after 7 p.m. However, ~~except on a day that precedes a school day when the minor may only work until 7 p.m.~~; the minor may work until 9 p.m. from June 1 through Labor Day.

(2) The minor may not work:

(A) more than three (3) hours on a school day;

(B) more than eighteen (18) hours in a school week;

(C) more than eight (8) hours on a nonschool day; or

(D) more than forty (40) hours in a nonschool week.

SECTION 6. IC 22-2-18.1-18 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 18: A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may not:

(1) work for more than nine (9) hours in any one (1) day;

(2) work for more than forty (40) hours in a school week;

(3) work for more than forty-eight (48) hours in a nonschool week;

(4) work for more than six (6) days in any one (1) week; or

(5) begin a work day before 6 a.m.

SECTION 7. IC 22-2-18.1-19 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 19: A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 10 p.m. on nights that are followed by a school day in any occupation except those that the commissioner of labor determines to be:

(1) dangerous to life or limb; or

(2) injurious to health or morals.

SECTION 8. IC 22-2-18.1-20 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 20: A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may work until 11 p.m. on a night followed by a school day if the employer has obtained written permission from the minor's parent and placed the written permission on file in the employer's office:

SECTION 9. IC 22-2-18.1-21 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 21: A minor who is at least sixteen (16) years of age and less than eighteen (18) years of age may be employed at the same daily and weekly hours and at the same times of day as adults if the minor is a member of any of the following categories:

(1) The minor is a high school graduate.

(2) The minor has completed an approved career and technical education program or special education program.

(3) The minor is not enrolled in a regular school term.



SECTION 10. IC 22-2-18.1-22, AS ADDED BY P.L.147-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 22. Every employer that employs a minor at least fourteen (14) years of age and less than ~~eighteen (18)~~ **sixteen (16)** years of age shall post and keep posted a printed notice in a conspicuous place or in places where notices to employees are customarily posted. This notice must state:

- (1) the maximum number of hours a minor may be employed or permitted to work each day of the week; and
- (2) the hours of beginning and ending each day.

The forms for this notice shall be furnished by the department.

SECTION 11. IC 22-2-18.1-23, AS ADDED BY P.L.147-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2024]: Sec. 23. **(a) This section does not apply to a minor who is at least sixteen (16) years of age and less than eighteen (18) years of age who performs farm labor.**

(b) The department shall prohibit a minor who is less than eighteen (18) years of age from working in an occupation designated as hazardous by the child labor provisions of the federal Fair Labor Standards Act of 1938, as amended (29 U.S.C. 201 et seq.), except when the minor is working for the minor's parent or a person standing in the place of the minor's parent on a farm owned or operated by the parent or person.

SECTION 12. IC 22-2-18.1-23.5 IS REPEALED [EFFECTIVE JULY 1, 2024]. Sec. 23.5: **(a) This section does not provide an exception to the limit on the number of hours a minor is permitted to work under sections 17 through 20 of this chapter:**

(b) It is unlawful for an employer to permit a minor who is:

- (1) less than eighteen (18) years of age; and**
- (2) employed by the employer;**

to work after 10 p.m. and before 6 a.m. in an establishment that is open to the public unless another employee at least eighteen (18) years of age also works in the establishment during the same hours as the minor:

(c) The requirement for an employee who is at least eighteen (18) years of age to also work in the establishment under subsection (b) does not apply if the establishment does not open to the public until after 6 a.m. and closes to the public before 10 p.m.

(d) A violation of subsection (b) is a hazardous occupation violation subject to section 30 of this chapter.

SECTION 13. IC 22-2-18.1-30, AS ADDED BY P.L.147-2020, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE



JULY 1, 2024]: Sec. 30. (a) An employer that violates this chapter may be assessed the civil penalties described in this section by the department.

(b) For an hour violation of not more than thirty (30) minutes under ~~sections section 17 through 20~~ of this chapter a violation of ~~section 18(4) of this chapter~~, or a posting violation under section 22 of this chapter the civil penalties are as follows:

(1) A warning letter for any violations identified during an initial inspection.

(2) Fifty dollars (\$50) per instance for a second violation identified in a subsequent inspection.

(3) Seventy-five dollars (\$75) per instance for a third violation that is identified in a subsequent inspection.

(4) One hundred dollars (\$100) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and that occurs not more than two (2) years after a prior violation.

(c) For a failure to register or failure to register the correct number of minors employed under section 26 of this chapter, an hour violation of more than thirty (30) minutes under ~~sections section 17 through 20~~ of this chapter, an age violation under section 12 ~~or 14~~ of this chapter, each minor employed in violation of section 12(b) of this chapter, or a hazardous occupation violation under section 23 ~~or 23.5~~ of this chapter the civil penalties are as follows:

(1) A warning letter for any violations identified during an initial inspection.

(2) One hundred dollars (\$100) per instance for each violation identified in a subsequent inspection.

(3) Two hundred dollars (\$200) per instance for a third violation that is identified in a subsequent inspection.

(4) Four hundred dollars (\$400) per instance for a fourth or subsequent violation that is identified in an inspection subsequent to the inspection under subdivision (3) and that occurs not more than two (2) years after a prior violation.

